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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,831	09/26/2003	Mark Alan Burazin	18,248	1331

23556 7590 08/22/2005

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EXAMINER

HUG, ERIC J

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,831	BURAZIN ET AL.	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-28, 32-39 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 7-9, 13-28 and 32-38 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 11, 39 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The following is in response to the amendment filed on June 16, 2005.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Greiner et al (US 3,034,180).

Greiner discloses a woven forming wire for making apertured paper products. The forming wire 24 has fixed thereto a plurality of upwardly extending protuberances in the shape of cones 34 (Figures 4, 6, 7). The cones provide masked out areas on the forming wire. The web produced by deposition of fibers upon the wire has apertures corresponding to the cones. The protuberances can take the form of any shape or arrangement depending on the desired web pattern (compare Figures 12 and 13, and see column 3, lines 55-75), thus the cones shown in Figure 7 can be easily replaced by other protuberances. Therefore, the structure of a forming wire (fabric) can be purposely modified so that the resulting structure of the (paper) web is changed. Since the forming wire can be modified to make paper having different structures, the claimed method steps of removing the fabric from the paper machine, modifying the fabric, and returning the fabric to service are all implied by Greiner.

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2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Deschamps et al (EP 0 394 134, w/ English abstract).

Deschamps discloses adding or removing material from a papermaking felt or cloth or densifying a papermaking felt or cloth for the purpose of changing the design pattern of paper formed using the cloth. The cloth may be a woven cloth. Since the forming cloth is modified to make paper having different structures, the claimed method steps of removing the cloth from the paper machine, modifying it, and returning it to service are all implied by Deschamps.

3. Claims 1-3, 10, 11, 39, and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Falk et al (US 2002/0055310). Falk discloses a method for producing a patterned forming wire for making a patterned fiber web. The forming wire is comprised of threads. The wire can be woven or non-woven. The pattern is provided by deforming threads in regions of the forming wire where a pattern is desired. The wire are deformed by heating the wire to just below its softening temperature, squeezing the fabric between a patterned roll and an anvil roll, and then cooling the wire. See paragraphs [0046] and [0047]. The deformation changes the structure and drainage capacity of the corresponding regions of the forming wire, thereby providing for a patterned paper. See also paragraphs [0057], [0059], and [0068]. The resulting wire surface structure is visually distinct from the previous wire surface structure. Since the forming wire is modified to have a different structure, the paper made by the modified wire has a different structure. It is implied by Falk that the forming wire is a used forming wire.

Allowable Subject Matter

Claims 4, 5, 7-9, 13-28, and 32-38 are allowed.

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 4, 5, 7-9, 13-26, and 37 are allowed for purposely modifying a fabric without removing the fabric from the papermaking machine.

Claims 27 and 28 are allowed for purposely modifying a throughdrying fabric without removing it from the papermaking machine.

Claims 32-36 are allowed, because the prior art does not disclose or suggest making a first tissue web with a throughdrying fabric having a first texture, modifying the fabric from the first texture to a second texture, then making a second tissue with the throughdrying fabric having the second texture.

Claim 38 is allowed, because the prior art does not disclose or suggest an open form roll sleeve supporting a forming fabric and imparting a watermark to a web, wherein the roll sleeve is purposely modified to change the watermark imparted to the web.

Claim 12 is allowable for reconfiguring the fabric by through-air molding.

It is understood that the term "purposefully modified" means an intentional structural modification of the fabric or roll sleeve for the purpose of changing the overall visual or functional properties of the resulting paper product, or for extending the useful life of the fabric or roll sleeve.

Response to Arguments

Applicant's arguments filed June 16, 2005 have been fully considered.

The arguments have overcome the objection to the disclosure and the rejection of claim 38 under 35 U.S.C. 112, second paragraph, set forth previously.

The arguments and amendments to the claims have overcome the rejections under 35 U.S.C. 102(b) over Lindsay et al (US 6,120,642), Stech (US 4,842,905), or Benz (US 3,881,987), given previously.

Greiner et al (US 3,034,180) applies now to claims 1-3 as given above.

Allowable subject matter indicated previously regarding independent claims 10 and 39 has been withdrawn in view of the new grounds of rejection presented above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allen (US 2003/0102098) discloses a method of forming pattern web using a drainage roll which contacts a forming surface, wherein the drainage roll has areas of different permeability.

Joyce et al (US 6,726,809) discloses an industrial process fabric having a pattern embossed upon the back side surface to increase the drainage capability of the fabric.

Whittaker et al (WO 98/27277) discloses a papermaking felt that is ultrasonically heated and subsequently or simultaneously embossed with a pattern.

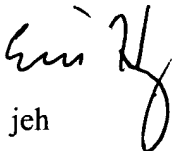
Crompton (GB 1,008,703) discloses a paper forming screen for the production of patterned paper, whereby the screen is a uniform screen provided with a patterned of blanked off areas.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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